IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4609 of 2005

Between:

Syed Omer s/o.Syed Ahmed,
E.No.29139, Book No.31, Zonal Work Shop,

Hyderabad Zone, Uppal, Hyderabad, R/o.Hyderabad.

..... PETITIONER

AND

1 The Managing Director, A.P.S.R.T.C, Musheerabad, Hyderabad.
2 The Divisional Manager, A.P.S.R.T.C, Hyderabad Division,

Gowliguda, Hyderabad
3 The Works Manager, APSRTC Zonal Workshop,
Hyderabad Zone, Uppal, Hyderabad
4 Sri Swamy Das, Establishment Clerk, APSRTC Zonal Workshop,

Hyderabad, Zone, Uppal, hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in not paying the difference of Gratuity amount and other settlements under S.R.B.S., Terminal Benefit of Leave, and Pay fixation from 1993 of 2003 pending with the respondents as illegal, arbitrary, discriminatory, against the principles of natural justice and in violation of Articles 14,16 of the Constitution of India and to pass such other order or orders.

Counsel for the Petitioner: MR.ASADULLA SHAREEF

Counsel for the Respondent Nos.1 to 4: MR.V.T.M.PRASAD

The Court at the stage of admission made the following:

ORDER:

In not paying the difference of Gratuity amount and other benefits under S.R.B.S, Terminal benefit of Leave and Pay fixation from 1993 to 2003, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondents.

Having regard to the facts and circumstances of the case, the respondent Corporation has to decide whether the petitioner is entitled for terminal benefits as claimed by him in pursuance of the proceedings dated 27.07.2004 issued by the Controlling Authority under the Payment of Gratuity Act, 1972 and also the representation of the petitioner dated 24.07.2003.

Therefore, without entering into the merits of the case, the Writ Petition is disposed of, directing the respondents to take appropriate decision and pass necessary orders on the representation of the petitioner dated 24.07.2003 in pursuance of the proceedings dated 27.07.2004 of the Controlling Authority under the Payment of Gratuity Act, 1972, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Dated: 10.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue CC in two days

B/o

Dsr

To:

1. The Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Divisional Manager,

APSRTC, Hyderabad Division,

Gowliguda, Hyderabad

3. The Works Manager,

APSRTC Zonal Works Shop,

Hyderabad Zone, Uppal, Hyderabad

4. Two CD copies

5. 1 CC to MR.ASADULLA SHAREEF